

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv550**

SABRINA M. MONROE,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
ALLIED RESOURCES, USA, LTD.,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the court on the court's own Motion to Dismiss for want of prosecution. On August 13, 2010, the Clerk of Court issued a Notice of Lack of Prosecution, indicating that the case is subject to dismissal pursuant to Federal Rules of Civil Procedure 4(m). The Clerk provided notice therein that service had not been accomplished within the prescribed 120-day time period. On August 19, 2010, plaintiff filed an affidavit of service of process indicating that she obtained service on April 14, 2010, by serving defendant's registered agent for service of process.

Such defendant's Answer or other responsive pleading was, therefore, due to be filed on or about May 1, 2010. Since that date, defendant has not answered or otherwise appeared and plaintiff has taken no action to seek entry of default. Rule 42(b), Federal Rules of Civil Procedure, provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this

rule — except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 — operates as an adjudication on the merits.

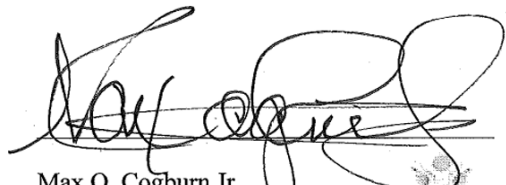
Fed.R.Civ.P. It is plaintiff's burden to move this case forward, and plaintiff will be required to take appropriate action within the next 14 days by moving for entry of default, filing a Rule 41 notice of voluntary dismissal, or taking other appropriate action.

**FAILURE TO RESPOND WITHIN 14 DAYS WILL RESULT IN
DISMISSAL OF ALL CLAIMS AGAINST DEFENDANTS
WITHOUT PREJUDICE.**

ORDER

IT IS, THEREFORE, ORDERED that within the next 14 days by moving for entry of default, filing a Rule 41 notice of voluntary dismissal, or taking other appropriate action. Failure to prosecute this action will result in a dismissal without prejudice thereafter being issued.

Signed: March 23, 2011



Max O. Cogburn Jr.
United States District Judge